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SERIES I No. 10

OFFICIAL GOVERNMENT OF GOA GAZETTE



EXTRAORDINARY No. 2

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7/10/2008-LA

The Goa Preservation of Trees (Amendment) Act, 2008 (Goa Act 13 of 2008), which has been passed by the Legislative Assembly of Goa on 25-3-2008 and assented to by the Governor of Goa on 9-6-2008, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 10th June, 2008.

The Goa Preservation of Trees (Amendment) Act, 2008

(Goa Act 13 of 2008) [9-6-2008]

AN

ACT

*further to amend the Goa, Daman and Diu
Preservation of Trees Act, 1984.*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Preservation of Trees (Amendment) Act, 2008.

(i) It shall come into force at once.

"1-A. *Definition of the term "tree":* Notwithstanding anything in the Goa, Daman and Diu Preservation of Trees Act, 1984 or in any other Act for the time being in force, the term "tree" used in this Act, shall, besides other trees, include coconut trees."

2 *Insertion of new section 12A.*— After section 12 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984) (hereinafter referred to as the "principal Act"), the following section shall be inserted, namely:—

"12-A.— *Removal of trees, etc., which are in ruinous state or likely to fall.*— (1) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Tree Officer or the Deputy Collectors having jurisdiction over their respective areas, if it appears to him at any time that any tree over any land or its branch or a part thereof is in ruinous state or is in such condition that it is likely to fall and thereby cause injury to a person living or carrying on business in the neighbourhood or passerby or to a building or house or any public place, he may, by written order require the person owning or possessing such tree to lop or cut down such tree or portion of a tree, which is in such condition that it is likely to fall and thereby cause injury to persons living or

carrying on business in the neighbourhood or passing by:

Provided that no order under sub-section (1) shall be made unless the owner or occupier of land has been given a reasonable opportunity of being heard in the matter in person or by his agent in support of his objections:

Provided further that where the Tree Officer or the Deputy Collector in consultation with the Tree Officer is of the opinion that there is likelihood of the tree or any portion thereof falling and causing injury or danger to persons and danger is of hourly imminence and it is not expedient to provide opportunity to file objection, he may, for reasons to be recorded in writing, issue order directing the person owning or possessing such tree, to cut down and remove such tree or any portion thereof forthwith or within the time as fixed in the order and if he fails to do so the Tree Officer or the Deputy Collector, as the case may be, will take all necessary steps towards its removal.

(2) Every order required to be issued under sub-section (1) of section 12-A of the Act shall be deemed to be duly served,—

(i) where the person to be served is residing in the house, at the place of his residence or in case of company, if order is addressed in the name of company, at its registered office or at its principal office or place of business and is either,—

(a) sent by registered post; or

(b) delivered at its registered office or at its principal office or place of business; or

(c) is given or tendered to him; or

(d) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed at some conspicuous part of structure or tree or building, if any, to which it relates.

(3) Whoever fails to comply with any directions issued under sub-section (1) within a period as specified in the said order, the Tree Officer or the Deputy Collector appointed by the Government in this behalf, shall take all reasonable steps to cut, or remove such tree or any portion thereof which causes obstruction or nuisance or is likely

to endanger life or property of any person, to remove the same at the cost and charges of the owner or occupier of the land or of the tree and all expenses incurred thereof shall be recovered as arrears of land revenue under the Goa Land Revenue Code, 1968 and the rules framed thereunder."

3. *Amendment of section 15.*— In section 15 of the principal Act, in sub-section (1).—

(i) for the words "Tree Officer", the words "Tree Officer or the Deputy Collector, as the case may be",— shall be substituted.

(ii) for the word and figures "and 12", the words and figures, "12 and 12A" shall be substituted.

4. *Inserting of new sections 35A and 35B.*— After section 35 of the principal Act, the following sections shall be inserted, namely:—

"35-A *Constitution of tree protection fund.*— (1) There shall be constituted a fund to be called the Tree Protection Fund. The following amount shall be paid into and form part of the fund, namely:—

(i) all Government grants, donations from company or institutions, fees, charges received by the Tree Officer;

(ii) all proceeds of the disposal of tree, if any, by the Tree Officer;

(iii) all sums collected by the Tree Officer from such other source as may be decided by the Government.

(2) The funds shall be applied for meeting all expenses incurred by the Tree Officer or the Deputy Collector exercising the power under section 12-A, as the case may be, in connection with discharge of his functions under this Act.

35-B (1) *Account and Audit.*— The Tree Officer and the Deputy Collector exercising the power under section 12-A of this Act shall prepare account and other relevant records and prepare an annual statement of account in such form as may be prescribed by the Government in consultation with the Director of Accounts, Government of Goa. The account maintained under this section shall be audited by the Directorate of Accounts, Government of Goa at

such intervals as may be specified by the Government and any expenditure incurred in connection with such audit, shall be payable by the Tree Officer to the Directorate of Accounts from the fund so created.

(2) The Account of Tree Protection Fund as certified by the Directorate of Accounts or any other person appointed by it in this behalf,

together with audit report thereon, shall be forwarded annually to the Government and the Government shall cause the same to be laid before the State Legislative Assembly."

Secretariat, K. S. SINGH,
Porvorim-Goa. Secretary to the Government of Goa,
Dated: 10-6-2008. Law Department (Legal Affairs).